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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAUL DE LOS SANTOS VILLAFAN,

Defendant.

No. 08-00579-1 JW

STIPULATION AND [PROPOSED]
ORDER TO CONTINUE DATE OF
JUDGMENT AND SENTENCING

SAN JOSE VENUE

The parties jointly stipulate, consistent with paragraph 9 of the October 6, 2008 plea agreement, that the date of the Judgment and Sentencing hearing be continued 60 days from January 26, 2009, to March 30, 2009. The reason for the continuance is due to the ongoing criminal proceedings of co-defendant Jaime Cruz-Alvarado (CR 08-00579-2 JW) in the above captioned matter, and the need for Mr. Villafan's continued cooperation in those proceedings.

Furthermore, the United States anticipates that it will be moving for a departure from the Sentencing Guidelines pursuant to U.S.S.G. § 5K1.1 and 18 U.S.C. § 3553(e), conditioned upon

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1 Mr. Villafan's ongoing compliance with the plea agreement and continued cooperation with law
2 enforcement, and the approval of the motion by supervisors in the United States Attorney's
3 Office.

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5 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

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7 DATED: 12/29/08

/s/
DANIEL R. KALEBA
Assistant United States Attorney

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10 DATED: 12/24/08

/s/
RUBEN TORRES MUNOZ
Counsel to Defendant VILLAFAN

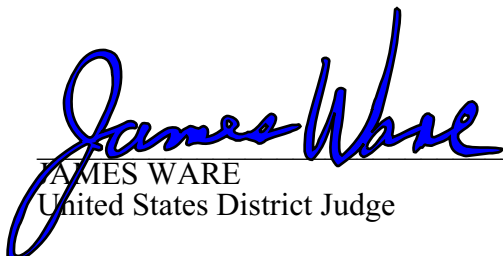
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13 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
14 "conformed" signature (/s/) within this e-filed document.

/s/
Daniel R. Kaleba

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16 Accordingly, for good cause shown, the Court HEREBY ORDERS that the
17 Judgment and Sentencing hearing set for January 26, 2009 be continued to March 30, 2009, at
18 1:30 p.m.

19 SO ORDERED.

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21 DATED: January 5, 2009

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JAMES WARE
United States District Judge